

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Lisa R. Bailey

Respondent

Civil Citation No.73531

6967 Brookmill Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 428, failure to cease outside storage of an unlicensed motor vehicle on residential property zoned DR 10.5 known as 6967 Brookmill Road, 21215.

On April 10, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 27, 2010 for removal of untagged/inoperative motor vehicle, black Ford Mustang, from this residential property. This Citation was issued on April 10, 2010.

B. Photographs in the file show a black Ford Mustang vehicle, with damaged paint and no license plates, parked outside behind this row house. Re-inspection on May 6, 2010 found the vehicle still parked outside, covered with a tarpaulin. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property. Covering the vehicle with a tarpaulin does not correct the violation.

C. Because compliance is the goal of code enforcement, and because there is no recent history of code violations at this property, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full penalty shall be imposed, and Respondent will be subject to additional Citation, with additional civil penalty and possible removal of the vehicle by the County at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by June 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf